

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

MARY MARGARITA ADAMS,

Plaintiff,

vs.

**COMMISSIONER OF SOCIAL
SECURITY,**

Defendant.

) **CASE NO. 1:16-cv-02106-DAP**
)
) **JUDGE DAN AARON POLSTER**
)
) **ORDER ADOPTING REPORT**
) **AND RECOMMENDATION**
)
)
)
)

Before the Court is the Report and Recommendation of Magistrate Judge David Ruiz (“R & R”), Doc #. 14, which recommends that the Court affirm the Commissioner’s final decision. The R & R was filed on June 29, 2017. It is now July 17, and no objections to the R & R have been filed.

Under the relevant statute,

Within fourteen days after being served with a copy, any party may serve and file written objections to such proposed findings and recommendations as provided by rules of court. A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.

28 U.S.C. § 636(b)(1). The failure to timely file written objections to a Magistrate Judge’s R & R

constitutes a waiver of the right to obtain a *de novo* review of the R & R in the district court. *United States v. Walters*, 638 F.2d 947, 949–50 (6th Cir. 1981); *Thomas v. Arn*, 474 U.S. 140, 149–50 (1985). The failure to file written objections also results in a waiver of the right to appeal. *Thomas v. Arn*, 728 F.2d 813 (6th Cir. 1984), *aff'd*, 474 U.S. 140 (1985).

Here, the time for objection has passed and no objections have been filed. Nonetheless, the Court has reviewed the magistrate judge’s thorough R & R. The Court agrees with the Magistrate Judge that the ALJ did not err in considering and weighing the opinions of the treating sources. Additionally, the ALJ’s assessment of residual functional capacity is supported by substantial evidence. Consequently, the Court agrees with the Magistrate Judge that the Commissioner’s final decisions should be affirmed.

Accordingly, the Court ADOPTS the R & R, Doc. # 14, in full and DISMISSES the above-captioned case.

IT IS SO ORDERED.

/s/ Dan A. Polster July 17, 2017
DAN AARON POLSTER
UNITED STATES DISTRICT JUDGE